

# House Study Bill 630

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
COMMERCE, REGULATION AND  
LABOR BILL REQUESTED BY  
VAN ENGELENHOVEN)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act to limit damages arising from motor vehicle accidents.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 5195YH 80  
4 kk/sh/8

PAG LIN

1 1 Section 1. Section 613.20, Code 2003, is amended to read  
1 2 as follows:  
1 3 613.20 LIMITATION ON LIABILITY FOR MOTOR VEHICLE OPERATION  
1 4 ~~--- FELONS.~~

1 5 1. ~~a.~~ Except as provided in ~~subsection 2~~ paragraph "c",  
1 6 in an action to recover damages arising out of the operation  
1 7 or use of a motor vehicle, a person shall not recover  
1 8 noneconomic losses including, but not limited to, pain and  
1 9 suffering if the injured person was the operator of a motor  
1 10 vehicle, a passenger in a motor vehicle, or a pedestrian and  
1 11 the person's injuries were proximately caused by the person's  
1 12 commission of any felony, or immediate flight therefrom, and  
1 13 the injured person was duly convicted of that felony.

1 14 ~~2. This section does not apply if the injured person is~~  
~~1 15 found to have no fault in the accident.~~

1 16 ~~3. b.~~ If a person injured in a motor vehicle accident has  
1 17 been formally charged with the violation of the felony  
1 18 referred to in ~~subsection 1~~ paragraph "a", but a final  
1 19 determination regarding guilt has not been made, liability and  
1 20 uninsured and underinsured motorist insurers, to whom a claim  
1 21 for damages has been presented, shall advise the injured party  
1 22 that settlement of the claim will not be resolved until a  
1 23 final judgment is rendered on the charges. The injured party  
1 24 claiming damages shall provide evidence of the outcome of any  
1 25 criminal charges.

1 26 ~~c. This subsection does not apply if the injured person is~~  
~~1 27 found to have no fault in the accident.~~

1 28 ~~2. An owner of a motor vehicle operating the motor vehicle~~  
~~1 29 involved in an accident with another motor vehicle shall not~~  
~~1 30 recover any damages in a civil action from the accident in an~~  
~~1 31 amount which exceeds the limits of any insurance policies~~  
~~1 32 issued to the owner at the time of the accident with respect~~  
~~1 33 to the owner's motor vehicle involved in the accident. For~~  
~~1 34 the purposes of this section, "owner" is defined as provided~~  
~~1 35 in section 321.493, subsection 1, paragraph "a". If the owner~~  
~~2 1 fails to maintain financial liability coverage on the motor~~  
~~2 2 vehicle in violation of section 321.20B, the owner shall have~~  
~~2 3 no cause of action for recovery of any damages sustained as a~~  
~~2 4 result of the accident.~~

2 5 EXPLANATION

2 6 This bill limits the amount an owner of a motor vehicle may  
2 7 recover in a civil lawsuit for damages sustained in an  
2 8 accident while operating the motor vehicle to the total amount  
2 9 of insurance the owner carried on the vehicle involved in an  
2 10 accident. If the owner carried no insurance, no recovery  
2 11 would be allowed.

2 12 LSB 5195YH 80

2 13 kk/sh/8